

UNITED STATES v. LUIS GOMEZ
U.S.D.C. Case No. 08CR1003-WQH

INDEX OF EXHIBITS

Exhibit A.	Page 2
Exhibit B.	Page 4
Exhibit C.	Page 11
Exhibit D.	Page 18
Exhibit E.	Page 30

EXHIBIT A

U.S. Department of Justice
Immigration and Naturalization Service

Warrant of Removal/Deportation

1010 East Whatley Road
Oakdale, LA 71463

File No: A099 702 025

Date: 04/11/2007

To any officer of the United States Immigration and Naturalization Service:

Luis Manuel GOMEZ-Dominguez

(Full name of alien)

aka:

who entered the United States at Douglas, Arizona on 02/24/2004
(Place of entry) (Date of entry)

is subject to removal/deportation from the United States, based upon a final order by:

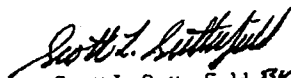
- ☒ an immigration judge in exclusion, deportation or removal proceedings
- ☐ a district director or a district director's designated official
- ☐ the Board of Immigration Appeals
- ☐ a United States District or Magistrate Court Judge

and pursuant to the following provisions of the Immigration and Nationality Act:

Section (s) 212(a)(6)(A)(i) & 212(a)(2)(A)(i)(I) of the Immigration and Nationality Act

I, the undersigned officer of the United States, by virtue of the power and authority vested in the Attorney General under the laws of the United States and by his or her direction, command you to take into custody and remove from the United States the above-named alien, pursuant to law, at the expense of:

Transportation company which brought him to the United States, if practicable; otherwise at the expense of the appropriations, "Salaries and Expenses, Immigration and Naturalization Service, 2007" including the expense of an attendant if necessary.



Scott L. Sutterfield

(Signature of INS official)

Assistant Field Office Director

(Title of INS official)

4/12/07 Oakdale, Louisiana

(Date and office location)

RETURN EXECUTED I-205 TO:

Immigration and Customs Enforcement
1010 East Whatley Road
Oakdale, LA 71463

2 0013

EXHIBIT B

LUIS MANUEL GOMEZ-DOMINGUEZ
(A 99-702-025)

DEPORTATION PROCEEDINGS
April 9, 2007

COURT: This is Judge (*) removal proceedings on this, uh, April the 9th, 2007, in the matter of Mr. Luis Manuel Gomez-Dominguez, which is case number A99-702-025. The respondent is present, unrepresented by counsel. The government is represented by Ms. Harris. And the court interpreter is Ms. (). Raise your right hand. Do you swear to () translate from English to Spanish, Spanish to English, to the best of your ability?

INTERPRETER: Yes, ().

COURT: Thank you. Are you Luis Manuel Gomez-Dominguez?

INTERPRETER: *[Speaking Spanish.]*

GOMEZ: *[Speaking Spanish.]*

INTERPRETER: Yes, sir.

COURT: So this is your first appearance in the court of removal proceedings. As such, you are entitled to delaying your case, if you wish, either to better prepare your case, or to acquire an attorney, or you may go forward today, whichever you desire.

INTERPRETER: *[Speaking Spanish.]*

GOMEZ: *[Speaking Spanish.]*

INTERPRETER: He wants to ().

COURT: Do you understand the nature of immigration court, sir?

INTERPRETER: *[Speaking Spanish.]*

GOMEZ: *[Speaking Spanish.]*

INTERPRETER: Yes, sir.

*() = *Inaudible.*

COURT: Um, raise your right hand. Do you promise to tell the truth?

INTERPRETER: *[Speaking Spanish.]*

GOMEZ: *[Speaking Spanish.]*

INTERPRETER: Yes, I promise to tell the truth.

COURT: Thank you, sir. Sir, do you understand that you have the right to have an attorney that the government would not paid for it?

INTERPRETER: *[Speaking Spanish.]*

GOMEZ: *[Speaking Spanish.]*

INTERPRETER: Yes.

COURT: Do you understand that you have the right to present any relevant evidence to this Court?

INTERPRETER: *[Speaking Spanish.]*

GOMEZ: *[Speaking Spanish.]*

INTERPRETER: Yes, sir.

COURT: And do you understand, sir, that the government has that same right to present evidence subject (), cross-examine witnesses, or object to or examine any documents or other evidence the government may attempt to introduce?

INTERPRETER: *[Speaking Spanish.]*

GOMEZ: *[Speaking Spanish.]*

INTERPRETER: Yes, sir.

COURT: And do you understand, sir, that I have no prior knowledge of your case and I shall base my decisions solely upon () of this courtroom?

INTERPRETER: *[Speaking Spanish.]*

GOMEZ: *[Speaking Spanish.]*

INTERPRETER: Yes, sir.

COURT: And do you understand, sir, that you have the right to appeal any decision of this Court to a higher court in Washington, D.C. () federal court system of this country?

INTERPRETER: *[Speaking Spanish.]*

GOMEZ: *[Speaking Spanish.]*

INTERPRETER: Yes, I understand.

COURT: Sir, do you acknowledge proper service and receipt of the forms (), the legal aid sheet, the notice to appear, as well as your criminal conviction record?

INTERPRETER: *[Speaking Spanish.]*

GOMEZ: *[Speaking Spanish.]*

INTERPRETER: Yes, sir.

COURT: May I use my copies of these papers in helping me to decide your case?

INTERPRETER: *[Speaking Spanish.]*

GOMEZ: *[Speaking Spanish.]*

INTERPRETER: Yes.

COURT: Let them be marked and received into evidence () Exhibit No. 1. Sir, do you admit that you are not a citizen or national of the United States, but a native and citizen of Mexico?

INTERPRETER: *[Speaking Spanish.]*

GOMEZ: *[Speaking Spanish.]*

INTERPRETER: Yes, I was born in Mexico.

COURT: Sir, do you admit that you arrived in the United States at or near Douglas, Arizona, on or about February the 24th, 2004, and you have not been admitted or () inspection by an immigration officer?

INTERPRETER: *[Speaking Spanish.]*

GOMEZ: *[Speaking Spanish.]*

INTERPRETER: Yes.

COURT: Sir, do you admit that you, on February the 26th, 2007, you were convicted in Benton County, Arkansas, for sexual indecency with a child?

INTERPRETER: *[Speaking Spanish.]* Your honor, () child in Spanish is gender based, boy or girl. You have to give me girl or boy, to say it in Spanish correctly.

COURT: I, I have no idea. I'm reading the charge.

INTERPRETER: *[Speaking Spanish.]*

GOMEZ: *[Speaking Spanish.]*

INTERPRETER: Yes, ().

COURT: Sir, I find that you are removable as charged. Do you wish to designate a country for removal?

INTERPRETER: *[Speaking Spanish.]*

GOMEZ: *[Speaking Spanish.]*

INTERPRETER: To my country, Mexico.

COURT: Have you fear returning to Mexico?

INTERPRETER: *[Speaking Spanish.]*

GOMEZ: *[Speaking Spanish.]*

INTERPRETER: No.

COURT: Um, have you family within the United States?

INTERPRETER: *[Speaking Spanish.]*

GOMEZ: *[Speaking Spanish.]*

INTERPRETER: Yes.

COURT: Who?

INTERPRETER: *[Speaking Spanish.]*

GOMEZ: *[Speaking Spanish.]*

INTERPRETER: My uncle.

COURT: Were either of your parents American citizens?

INTERPRETER: *[Speaking Spanish.]*

GOMEZ: *[Speaking Spanish.]*

INTERPRETER: No.

COURT: How old are you?

INTERPRETER: *[Speaking Spanish.]*

GOMEZ: *[Speaking Spanish.]*

INTERPRETER: Nineteen.

COURT: And is the government aware of any relief?

GOVERNMENT: No, your honor.

COURT: It is the order of the court, sir, that you be removed from the United States to Mexico, on the charges contained in the notice to appear. Do you understand my decision, sir?

INTERPRETER: *[Speaking Spanish.]*

GOMEZ: *[Speaking Spanish.]*

INTERPRETER: Yes.

COURT: Do you wish to accept that decision or reserve appeal?

INTERPRETER: *[Speaking Spanish.]*

GOMEZ: *[Speaking Spanish.]*

INTERPRETER: I () the decision.

COURT: I'm sorry? Do you accept my decision or reserve appeal?

INTERPRETER: *[Speaking Spanish.]*

GOMEZ: *[Speaking Spanish.]*

INTERPRETER: I () your decision.

COURT: Do you accept my decision or reserve appeal?

INTERPRETER: *[Speaking Spanish.]*

GOMEZ: *[Speaking Spanish.]*

INTERPRETER: I accept the decision according to the Court.

COURT: The decision of the Court is final. I will hand you a copy of my decision.
And with that, this () is adjourned.

EXHIBIT C

CARLOS GARCIA, A# 92913221
DEPORTATION PROCEEDINGS
AUGUST 17, 1996

IJ - Immigration Judge
CA - Carlos Garcia
All: All Respondents Present

IJ: I'd like to begin by explaining purposes of hearing.

IJ: Immigration service charges you should be deported from us because you are not a citizen or national of the United States. And that you have violated one or more of this country's Immigration laws. The government has burden to prove that the deportation charges against you are true. Today I will explain to you the allegations and charges in your case. I will then ask you whether or not the allegations are true. If you admit all of the allegations its similar to pleading guilty and you will be deported. If I find that the charge against you is true, either because you admit it, or because government proves charges are true, I will investigate whether there is any pardon available in your case. If there is a pardon available I will let you know and give you an opportunity to apply for it. If you do not understand purpose of this hearing, raise your hands.

All: No hands raised.

IJ: I'm going to explain several of the rights that you have in this hearing. You have right to be represented by attorney of your choosing at no cost to government. Before today's hearing you should've received a list of legal service programs available in this area to represent you at little or no charge. If you have not received that list raise hands.

All: No hands raised.

IJ: If you do not understand your right to legal representation raise your hands.

All: No hands raised.

IJ: If you have an attorney or legal representative who has agreed to assist you in your case raise hand.

All: No hands raised

IJ: If you'd like additional time to find legal representation to assist you with you immigration case, please raise hand.

All: No hand raised.

IJ: You also have right in this hearing to present evidence. That means you can tell me or show me anything you'd like about your case. Evidence may include your testimony, testimony of others, documents, or anything else you'd like me to see or hear about your case. If you do not understand your right to present evidence, please raise hand.

All: No hands raised.

IJ: The government may also present evidence, anything they present, you will be able to see or hear. The government is represented by attorney Kyle Latimer. Anything Mr. Latimer presents you will be able to see or hear, and then you will be able to tell me why what he presents is wrong or why I should not considered in your case. If you do not understand your right to examine and object to evidence presented by the government, please raise your hand.

All: No hands raised

IJ: You also have the right to appeal my decision if you do not agree with it. Before today's hearing you should have received with legal services list an explanation of your right to appeal in English and Spanish. If you did not receive that document, please raise hand.

All: No hands raised.

IJ: If you file an appeal the higher court will review the decision I make in your case and they will tell me whether its wrong or unfair. If you do not understand your right to appeal, please raise hand.

All: No hands raised.

IJ: At this time I'm going to ask you to please stand and take oath to answer truthfully.

[oath]

IJ: Do you swear or affirm that everything that you say here today is true and correct to the best of your knowledge?

IJ: Not everyone has responded.

IJ: Now I say this again please respond together is it a yes or a no.

All: Yes

IJ: Do you swear or affirm that everything that you say today is true and correct to the best of your knowledge.

IJ: Wait for the interpreter.

All: Yes

IJ: Thank you. The government has filed a charge of deportation for each of your cases. The charge looks like the document that I am holding up at this time. The government says they handed a copy of this charge to you. As proof of that is page 5 of this charge they have your fingerprint and signature acknowledging that the charge was handed to you. I'm holding up pg 5, is there anybody here that believes they did not have copy of charge of deportation handed to them by immigration, please raise hand.

All: No hands raised.

IJ: I'm going to mark the charge in each case as Exhibit #1. This does not mean I believe charge against you is true. Only means this is an accurate copy of charges filed in your case. If you have objection of copy of your charge being admitted in your case as evidence in your case as true, please raise hand.

All: No hands raised.

IJ: Therefore the charge will be admitted as Exhibit 1 in each case.

(IJ speaks with another Respondent)

IJ: If there is anybody else who wishes to go to any other country that is not Mexico, if they must be deported, please raise your hand.

All: No hands raised.

IJ: If from Mexico you will be designated and directed following your response.

IJ: If you have a mother or father, whether living or not, who is or has been a citizen of United States, please raise your hand.

(IJ speaks with another Respondent)

IJ: If there is anyone who has a fear that if they return to their country someone or the government would hurt them, please raise hand.

All: No hands raised.

IJ: In each of your cases, the government has filed the following 2 allegations. government says you are not citizen or national of United States. They say you are a native and citizen of another country.

(IJ speaks with other Respondents)

IJ: If for any reason you don't want to have this hearing today, please raise your hand.

All: No hands raised.

(IJ speaks with other Respondents other than citizens of Mexico)

IJ: If you are a native and citizen of Mexico, please raise your hand.

IJ: If you are a national or citizen of United States, please raise hand.

All: No hands raised.

(IJ calls out and speaks with other Respondents)

IJ: Carlos Garcia 221.

IJ: Mr. Garcia, in your case the government alleges that you should be deported because at any time after entry you have been convicted of possessing, using, carrying or owning a firearm in violation of the law, do you understand the charge?

CA: Yes.

IJ: They are also charging that you have been convicted of using a firearm, do you understand that part of the charge?

CA: Yes.

IJ: Let me explain the charge against you. The government alleges that you should be deported because at any time after entry, you have been convicted of using, owning, possessing, or carrying a firearm in violation of law. Do you understand that charge?

CA: Yes.

IJ: The charge is based on the following allegation: That you entered the United States in San Ysidro, California in 1978. And that on 11/4/89 you became a permanent resident and that on 7/20/95 you were convicted of assault with a firearm. Do you understand those allegations?

CA: Yes

IJ: You entered the us near San Ysidro, California, in 1978?

CA: Yes.

IJ: On 11/4/1989 did you become a permanent resident?

CA: Yes.

IJ: On July 20, 1995, were you convicted of assault with a firearm?

CA: Yes.

IJ: Do you (inaudible) to the deportation charge?

CA: No.

IJ: Since your case is not based on drugs, there are more types of pardons available. So the questions I'm going to ask you about a pardon are different from those of the other people.

IJ: How much time did you serve?

CA: 13 months.

IJ: Are you married?

CA: No.

IJ: Do you have children?

CA: No.

IJ: Do your parents have permission to be here?

CA: Yes.

IJ: What do they have?

CA: Mica

IJ: Permanent residents through amnesty?

CA: Yes.

IJ: Has anyone ever filed for you to get papers other than the papers you have now?
Has there been any immigration filings other than the amnesty process?

CA: No, I don't know.

IJ: How old are you?

CA: 20.

IJ: You're from Mexico, correct?

CA: Yes.

IJ: Do you have any other convictions other than these?

CA: No.

IJ: I don't see a pardon available for you right now. What this means is I have to order you deported, but this is your only conviction though and you may be eligible for documents in the future through your parents. But you will lose the green card you have now. The waiting list for children of permanent residence to get a green card. (inaudible) you need your parents to file for you right away to get on the waiting list. Anything else Sir about your case?

CA: No.

IJ: Based on your admissions I'm going to order you deported to Mexico, do you wish to accept my decision or appeal.

CA: To accept.

IJ: Thank you Sir.

EXHIBIT D

TAPE ONE

Prerecorded advisal of rights:

THIS IS THE IMMIGRATION COURT AT ELOY ARIZONA
IMMIGRATION JUDGE SEAN H. KEENAN PRESIDING IN A GROUP PROCEEDING
ALL RESPONDENTS ARE APPEARING PRO-SE AT THIS TIME
DETAINED BY THE DEPARTMENT OF HOMELAND SECURITY
THE OFFICIAL COURT INTERPRETER IN THE SPANISH LANGUAGE IS MS. LETICIA LOPEZ

GOOD MORNING GENTLEMEN

THIS IS THE BEGINNING OF YOUR REMOVAL PROCEEDING
THE DEPARTMENT OF HOMELAND SECURITY HAS STARTED THESE REMOVAL
PROCEEDINGS AGAINST EACH OF YOU BY FILING A NOTICE TO APPEAR.
YOU SHOULD HAVE ALL RECEIVED A COPY OF THE NOTICE TO APPEAR BEFORE TODAY'S
HEARING.
YOU DO NOT HAVE TO HAVE YOUR COPY WITH YOU TODAY, AS I HAVE A COPY IN EACH
OF YOUR COURT'S FILES

THE DEPARTMENT OF HOMELAND SECURITY ALLEGES CERTAIN FACTS AND
ALLEGATIONS AGAINST YOU IN THAT DOCUMENT: THE GOVERNMENT ALLEGES THAT
YOU ARE NOT A CITIZEN OR NATIONAL OF THE UNITED STATES BUT THAT YOU ARE A
NATIVE AND CITIZEN OF ANOTHER COUNTRY. THE GOVERNMENT ALLEGES YOU HAVE
VIOLATED THE IMMIGRATION LAWS OF THE UNITED STATES

BASED ON THESE FACTS AND ALLEGATIONS AND THE ALLEGED VIOLATIONS OF THE
IMMIGRATION LAWS THE GOVERNMENT SEEKS TO REMOVE AND DEPORT YOU FROM
THE UNITED STATES. THE PURPOSE OF THIS HEARING IS FOR ME AS THE IMMIGRATION
JUDGE TO DETERMINE WHETHER THOSE FACTS ARE TRUE OR NOT. TO DETERMINE IF
YOU HAVE VIOLATED THE IMMIGRATION LAWS OF THE UNITED STATES AS CHARGED.

1 YOU HAVE CERTAIN RIGHTS IN YOUR REMOVAL PROCEEDING: YOU HAVE THE RIGHT TO
2 BE REPRESENTED BY AN ATTORNEY, BUT THE GOVERNMENT WILL NOT PAY FOR THAT
3 ATTORNEY. YOU SHOULD HAVE ALL RECEIVED A LIST OF FREE LEGAL SERVICES. YOU
4 SHOULD HAVE RECEIVED THIS LIST BEFORE TODAY'S HEARING. THE ATTORNEYS ON
5 THAT LIST ARE IN THIS AREA

6 THE ATTORNEYS ON THAT LIST WILL REPRESENT YOU FOR FREE. IT IS UP TO YOU TO
7 CONTACT THE ATTORNEYS ON THAT LIST, THAT MAY TAKE YOUR CASE OR REFUSE TO
8 TAKE YOUR CASE. YOU ARE NOT LIMITED TO THE ATTORNEYS ON THAT LIST. YOU CAN
9 TRY TO GET AN ATTORNEY FROM SOMEWHERE ELSE

10

11 I AM GOING TO DO YOUR CASES ONE AT A TIME I WILL ASK EACH OF YOU
12 INDIVIDUALLY WHEN I GET TO YOUR CASE WHETHER YOU WANT YOUR CASE
13 POSTPONED TO HIRE AN ATTORNEY. IF YOU WANT YOUR CASE POSTPONED IN ORDER
14 TO GET AN ATTORNEY, OR FOR ANY OTHER REASON, PLEASE TELL ME THAT, AND YOUR
15 CASE WILL BE POSTPONED.

16

17 IF YOU ARE HERE FOR THE FIRST TIME, YOU HAVE THE RIGHT TO HAVE YOUR CASE
18 POSTPONED FOR ANY REASON, AND ALL YOU HAVE TO DO IS ASK ME.
19 IF YOUR CASE CAN BE POSTPONED, AND IT WILL BE.

20

21 YOU ALSO HAVE THE RIGHT TO HAVE YOUR CASE HEARD AND DECIDED TODAY.
22 AT WHICH POINT YOU WOULD GO FORWARD AND REPRESENT YOURSELF TODAY
23 AND FOR PURPOSES OF TODAY'S HEARING YOU WOULD BE WAIVING YOUR RIGHT TO AN
24 ATTORNEY. IT WILL BE YOUR DECISION WHETHER TO HAVE YOUR CASE HEARD AND
25 DECIDED TODAY, OR POSTPONED FOR ANY REASON.

26

27 YOU HAVE THE RIGHT TO DENY THE FACTS AND ALLEGATIONS ALLEGED AGAINST YOU
28 IN THE CHARGING DOCUMENT. YOU HAVE THE RIGHT TO DENY THAT YOU HAVE

1 VIOLATED THE IMMIGRATION LAWS AS CHARGED IN THE CHARGING DOCUMENT. YOU
2 MAY PRESENT EVIDENCE ON YOUR BEHALF, SUCH AS PAPERS OR DOCUMENTS YOU
3 WANT ME TO LOOK AT. YOU MAY SPEAK OR TESTIFY ON YOUR OWN BEHALF. YOU MAY
4 PRESENT WITNESSES ON YOUR BEHALF, SUCH AS FRIENDS OR FAMILY MEMBERS YOU
5 WANT TO SPEAK FOR YOU AT YOUR HEARING.

6
7 THE GOVERNMENT ATTORNEY SEATED AT THE TABLE BEFORE YOU REPRESENTS THE
8 DEPARTMENT OF HOMELAND SECURITY. THE GOVERNMENT ATTORNEY HAS THE SAME
9 RIGHTS.

10
11 YOU HAVE THE RIGHT TO OBJECT TO ANY EVIDENCE PRESENTED AGAINST YOU BY THE
12 GOVERNMENT ATTORNEY. YOU HAVE THE RIGHT TO QUESTION ANY WITNESSES
13 PRESENTED AGAINST YOU BY THE GOVERNMENT ATTORNEY
14 YOU WILL HAVE THE RIGHT TO TELL ME THE COUNTRY YOU WANT TO BE REMOVED
15 AND DEPORTED TO IF NECESSARY.

16
17 AT THE END OF YOUR CASE I WILL MAKE A DECISION AND IF YOU DISAGREE WITH THAT
18 DECISION IN ANY WAY YOU WILL HAVE THE RIGHT TO FILE AN APPEAL TO THE BOARD
19 OF IMMIGRATION APPEALS. TO FILE AN APPEAL IS A LEGAL TERM, AND WHAT IT MEANS
20 IS YOU WOULD BE ASKING THE APPELLATE COURT TO REVIEW MY DECISION TO SEE IF I
21 APPLIED THE LAW CORRECTLY TO THE FACTS OF YOUR CASE.

22
23 SO AT THE END OF YOUR CASE, YOU WILL HAVE A DECISION TO MAKE. IF YOU AGREE
24 WITH MY DECISION, IF YOU BELIEVE IT IS CORRECT, YOU CAN TELL ME THAT YOU WANT
25 IT TO BE A FINAL ORDER TODAY, WAIVING YOUR RIGHT TO FILE AN APPEAL. IF YOU
26 TELL ME THAT, YOU WILL NOT BE ABLE TO CHANGE YOUR MIND AT A LATER TIME AND
27 FILE AN APPEAL. THE DECISION WOULD BE FINAL TODAY. ALSO, IF YOU ARE ORDERED
28 REMOVED AND DEPORTED AT YOUR HEARING TODAY, AND YOU TELL ME YOU WANT

1 THE DECISION TO BE FINAL, WAIVING YOUR APPELLATE RIGHTS, THE GOVERNMENT
2 WILL SEEK TO REMOVE AND DEPORT YOU FROM THE UNITED STATES TODAY.

3
4 YOUR OTHER CHOICE, IF YOU DISAGREE WITH THE DECISION, IF YOU BELIEVE IT IS
5 WRONG IN ANY WAY, YOU CAN TELL ME YOU WANT TO FILE AN APPEAL. YOU WOULD
6 HAVE 30 DAYS TO FILE AND MAIL THE APPEAL. DURING THAT TIME, YOU WILL NOT BE
7 REMOVED FROM THE US AND IF YOU FILE AND MAIL THE APPEAL TO THE APPELLATE
8 COURT, THE APPELLATE COURT WILL ISSUE A WRITTEN DECISION ON WHETHER I WAS
9 CORRECT OR INCORRECT ON THE DECISION I MADE IN YOUR CASE. YOU WILL NOT BE
10 REMOVED FROM THE US WHILE YOUR APPEAL IS PENDING BEFORE THE APPELLATE
11 COURT.

12
13 AT THE END OF YOUR CASE, I WILL ASK EACH OF YOU INDIVIDUALLY WHETHER YOU
14 WANT TO FILE AN APPEAL OR ACCEPT THE DECISION TODAY AS FINAL, WAIVING
15 APPEAL.

16
17 IF YOU ARE NOT ELIGIBLE TO REMAIN IN THE UNITED STATES YOU MAY BE ELIGIBLE
18 FOR THE RELIEF OF VOLUNTARY DEPARTURE. THAT MEANS YOU WOULD LEAVE THE US
19 VOLUNTARILY AS OPPOSED TO BEING REMOVED AND DEPORTED. THE BENEFITS OF
20 BEING GRANTED VOLUNTARY DEPARTURE ARE THAT YOU COULD RETURN TO THE US
21 LEGALLY IN THE FUTURE WITHOUT CERTAIN TIME RESTRICTIONS. IF YOU ARE
22 ORDERED REMOVED AND DEPORTED FROM THE UNITED STATES, YOU WILL BE BARRED
23 FOR A MINIMUM OF 10 YEARS FROM RETURNING LEGALLY.

24
25 IF YOU ARE ELIGIBLE FOR VOLUNTARY DEPARTURE, I WILL ASK YOU IF YOU HAVE THE
26 AMOUNT OF MONEY TO PAY YOUR OWN WAY BACK TO YOUR OWN COUNTRY. IT IS
27 ALLEGED THE MAJORITY ARE NATIVES AND CITIZENS OF MEXICO. THE COST TO
28 MEXICO FROM THIS LOCATION BY BUS AS I HAVE BEEN TOLD BY GOVERNMENT

1 ATTORNEYS ON PAST OCCASIONS IS 7 DOLLARS. I WILL EACH OF YOU IF YOU HAVE
2 THAT AMOUNT OF MONEY.

3

4 IF YOU DO, I WILL ASK THE GOVERNMENT ATTORNEY THEIR POSITION. IF THE
5 GOVERNMENT ATTORNEY IS NOT OPPOSED TO VOLUNTARY DEPARTURE BEING
6 GRANTED, I WILL GRANT IT TODAY AND YOU CAN RETURN TO MX TODAY. SINCE YOU
7 ARE DETAINED BY THE GOVERNMENT, YOU WOULD NOT BE RELEASED. THE
8 GOVERNMENT WILL ESCORT YOU AND ASSIST YOU TO THE BORDER WITH MEXICO. BUT
9 YOU WOULD STILL BE GRANTED VOLUNTARY DEPARTURE ON YOUR RECORD. IF THE
10 GOVERNMENT ATTORNEY TELLS ME THAT HE OR SHE IS OPPOSED TO VOLUNTARY
11 DEPARTURE BEING GRANTED, AFTER REVIEWING THEIR FILE, AND THE REASON HE
12 COULD BE OPPOSED, OR THAT SHE COULD BE OPPOSED COULD BE BASED ON NEGATIVE
13 INFORMATION IN THEIR FILE. SUCH AS POLICE ARRESTS, CRIMINAL CONVICTIONS,
14 ILLEGAL DRUG USE, NUMEROUS ILLEGAL ENTRIES INTO THE US, OTHER VIOLATIONS OF
15 THE IMMIGRATION LAWS, PRIOR VOLUNTARY RETURNS BY THE GOVERNMENT. OR
16 PRIOR VOLUNTARY DEPARTURE GRANTS BY ANOTHER IJ. OR ANY OTHER REASON, THE
17 GOVERNMENT ATTORNEY BELIEVES HE SHOULD OPPOSED. IF THE GOVERNMENT IS
18 OPPOSED, THEN IT WILL BE YOUR DECISION IF YOU WANT YOUR CASE POSTPONED FOR
19 A VOLUNTARY DEPARTURE HEARING. I CANNOT DO THE HEARING TODAY, BUT I WILL
20 DO IT AS SOON AS POSSIBLE. WHICH COULD BE 1 OR 2 WEEKS IN THE FUTURE. AND
21 THAT WOULD GIVE YOU TIME TO GATHER OR ASSEMBLE POSITIVE INFORMATION SUCH
22 AS FAMILY TIES, CITIZEN CHILDREN, SUPPORTING YOUR FAMILY, PAYING YOUR TAXES,
23 FILING YOUR TAX RETURNS, OR WHATEVER OTHER POSITIVE INFORMATION YOU WANT
24 TO PRESENT.

25

26 AT YOUR POSTPONED HEARING I WOULD LOOK AT ALL THE POSITIVE INFORMATION
27 YOU WOULD PRESENT, AND WEIGH IT AGAINST THE NEGATIVE INFORMATION THE
28 GOVERNMENT PRESENTS. THEN I WOULD MAKE A DECISION ON WHETHER YOU

1 SHOULD BE GRANTED VOLUNTARY DEPARTURE OR NOT. ALSO, IF YOU APPLY FOR
2 VOLUNTARY DEPARTURE, YOU WOULD BE WAIVING ALL YOUR APPELLATE RIGHTS,
3 AND IF VOLUNTARY DEPARTURE IS DENIED, YOU WOULD HAVE NO RIGHT TO FILE AN
4 APPEAL. ALSO, YOU WOULD BE UNABLE TO APPLY FOR ANY OTHER RELIEF, BUT
5 VOLUNTARY DEPARTURE.

6
7 GENTLEMEN, THOSE ARE YOUR LEGAL RIGHTS IN YOUR REMOVAL PROCEEDING. I WILL
8 ASK EACH OF YOU INDIVIDUALLY, WHEN I GET TO YOUR CASE, WHETHER YOU
9 UNDERSTOOD THE LEGAL RIGHTS I EXPLAINED TO YOU.

10 *Recording ends. Immigration Judge Speaking Live:*

11 IJ: WE'RE BACK ON THE RECORD. THAT WAS A PRERECORDED PRESENTATION OF
12 THE RIGHTS PRESENTED TO THE GROUP OF RESPONDENTS ON TODAY'S DATE OF
13 JANUARY 19, 2005. 12 GENTLEMEN IN THE GROUP PROCEEDING TODAY. THE
14 GOVERNMENT IS REPRESENTED BY ASSISTANT CHIEF COUNSEL, MS. LINDA SPENCER
15 WALTERS. THE CONTRACT INTERPRETER FOR THE REMAINDER OF THE PROCEEDING
16 MR. ART BOURQUEZ.

17
18 RAISE YOUR RIGHT HAND MR. BOURQUEZ, DO YOU SWEAR THAT YOUR TRANSLATION
19 FROM ENGLISH TO SPANISH BACK TO ENGLISH BE TRUE AND ACCURATE E TO THE BEST
20 OF YOUR ABILITY?

21
22 MR. BOURQUEZ: YES YOUR HONOR.

23
24 IJ: AT THIS TIME, MR. BOURQUEZ WOULD YOU PLEASE READ THE RESPONDENT'S
25 NAME AND FILE NUMBER INTO THE RECORD?

26
27 *NAMES AND A NUMBERS OF TWELVE RESPONDENTS READ INTO RECORD.*

1 IJ: GOOD MORNING GENTLEMEN. I SHOW YOU THE LIST OF FREE LEGAL SERVICES.
2 PLEASE RAISE YOUR HAND IF YOU DID NOT GET THAT LIST. LET THE RECORD REFLECT
3 NO ONE RAISED A HAND.

4

5 GENTLEMEN, I ALSO SHOW YOU A FORM EXPLAINING YOUR APPELLATE RIGHTS IN
6 DETAIL. PLEASE RAISE YOUR HAND IF YOU DID NOT RECEIVE THAT FORM. LET THE
7 RECORD REFLECT THAT NO ONE RAISED THEIR HAND TO EITHER QUESTION..
8 EVERYONE HAS ACKNOWLEDGED RECEIPT OF BOTH DOCUMENTS.

9

10 GENTLEMEN, I AM GOING TO ASK YOU A NUMBER OF QUESTIONS REGARDING YOUR
11 CASE. IF YOU DO NOT UNDERSTAND ANY QUESTION, PLEASE ASK ME TO REPEAT IT AND
12 I WILL TRY TO EXPLAIN IT BETTER.

13

14 *ADMINISTERS OATH.*

15

16

TAPE TWO

17

18 IJ: GOOD MORNING SIR, WHAT IS YOUR NAME?

19 MARTINEZ: **EDUARDO MARTINEZ-VALDEZ**

20 IJ: DID YOU RECEIVE A COPY OF THE NTA ?

21 MARTINEZ: YES.

22 IJ: THAT'S EXHIBIT ONE. DID YOU UNDERSTAND THE LEGAL RIGHTS I EXPLAINED
23 TO YOU THIS MORNING.?

24 MARTINEZ: YES.

25 IJ: AND DO YOU WANT YOUR CASE POSTPONED TO TRY TO GET AN ATTORNEY OR
26 DO YOU WANT YOUR CASE DECIDED TODAY?

27 MARTINEZ: TODAY.

28 IJ: ARE YOU A CITIZEN OR NATIONAL OF THE US?

1 MARTINEZ: NO.

2 IJ: IS IT TRUE YOU ARE A NATIVE AND CITIZEN OF MEXICO?

3 MARTINEZ: YES.

4 IJ: IS IT TRUE YOU ENTERED THE UNITED STATES THROUGH AN UNKNOWN PLACE
5 IN JANUARY 1992?

6 MARTINEZ: YES.

7 IJ: IS IT TRUE AT THAT TIME YOU ENTERED INTO THE UNITED STATES WITHOUT
8 BEING INSPECTED BY THE IMMIGRATION SERVICE?

9 MARTINEZ: YES.

10 IJ (*addressing government counsel*): IS IT CORRECT --YOU WANT TO STRIKE FIVE?

11 GOVERNMENT ATTORNEY: YES.

12 IJ: THE GOVERNMENT IS WITHDRAWING THE ALLEGED CONVICTION FOR THE
13 FIREARM. WHILE THAT CERTAINLY IS A SERIOUS OFFENSE, IT MAY NOT BE A CRIME
14 INVOLVING MORAL TURPITUDE.

15 IJ: THE GOVERNMENT SEEKS TO REMOVE AND DEPORT YOU FROM THE UNITED
16 STATES BECAUSE THEY ALLEGE YOU ENTERED INTO THE US ILLEGALLY WITHOUT
17 INSPECTION. DO YOU UNDERSTAND THAT REASON?

18 MARTINEZ: YES

19 IJ: DO YOU AGREE THAT'S THE CORRECT REASON YOU CAN BE REMOVED FROM
20 THE UNITED STATES?

21 MARTINEZ: YES

22 IJ: BASED ON YOUR TESTIMONY I FIND YOU ARE SUBJECT TO REMOVAL AS
23 CHARGED. WHAT COUNTRY DO YOU WANT TO BE REMOVED TO SIR?

24 MARTINEZ: MEXICO.

25 IJ: ARE YOU AFRAID TO GO BACK TO MEXICO?

26 MARTINEZ: NO

27 IJ: ANY FEAR OF TORTURE BY THE GOVERNMENT?

28 MARTINEZ: NO

1 IJ: DO YOU HAVE THE SEVEN DOLLARS FOR THE VOLUNTARY DEPARTURE FEE?

2 MARTINEZ: NO.

3 IJ: DO YOU HAVE ANY LEGAL FAMILY MEMBERS IN THE UNITED STATES?

4 MARTINEZ: YES.

5 IJ: WHO DO YOU HAVE SIR?

6 MARTINEZ: MY FATHER AND MY MOTHER AND MY SISTER.

7 IJ: ANYONE ELSE?

8 MARTINEZ: UNCLES AND COUSINS?

9 IJ: DID YOUR FATHER EVER FILE A VISA PETITION FOR YOUR TO BECOME A
10 RESIDENT?

11 MARTINEZ: YES.

12 IJ: WHAT YEAR?

13 MARTINEZ: I DON'T REMEMBER. MY PAPERS ARE IN PROCESS RIGHT NOW.

14 IJ: ALRIGHT. DOES THE GOVERNMENT HAVE ANY EVIDENCE OF A VISA PETITION?
15 HOW MUCH TIME DID YOU SPEND IN JAIL, IF YOU DID?

16 MARTINEZ: THIS TERM I DID 15 MONTHS.

17 IJ: WHAT YEAR DID YOUR FATHER FILE THE VISA PETITION, DO YOU RECALL?

18 MARTINEZ: NO SIR, I DON'T.

19 IJ: THE GOVERNMENT HAS NO EVIDENCE OF A VISA PETITION. IF YOUR FATHER
20 FILED A VISA PETITION, FIRST IS HE A LAWFUL PERMANENT RESIDENT OR A CITIZEN OF
21 THE US?

22 MARTINEZ: RESIDENT.

23 IJ: IF HE FILED A VISA PETITION MANY YEARS AGO, YOU COULD BE ELIGIBLE FOR
24 ADJUSTMENT OF STATUS. HOW OLD ARE YOU TODAY?

25 MARTINEZ: 21

26 IJ: ARE YOU MARRIED OR SINGLE?

27 MARTINEZ: SINGLE.

28 IJ: DO YOU WANT YOUR CASE POSTPONED TO TRY TO INVESTIGATE AND TRY TO

1 FIND A VISA PETITION?

2 MARTINEZ: NO.

3 IJ: IF YOUR FATHER FILED A VISA PETITION IF IT IS CURRENT HAS A CURRENT
4 PRIORITY DATE, YOU COULD BE ELIGIBLE TO GET YOUR GREENCARD, YOUR LAWFUL
5 PERMANENT RESIDENT STATUS. DO YOU UNDERSTAND THAT?

6 MARTINEZ: YES.

7 IJ: DO YOU WANT YOUR CASE POSTPONED TO INVESTIGATE TO TRY TO FIND THE
8 VISA PETITION, FOR THE GOVERNMENT TO TRY TO RUN THEIR COMPUTER SYSTEM
9 CHECKS TO SEE IF THERE'S A VISA PETITION THERE, TO SEE IF ITS APPROVED?

10 MARTINEZ: NO.

11 IJ: DO YOU UNDERSTAND WHAT YOU ARE DOING?

12 MARTINEZ: YES.

13 IJ: ANY QUESTIONS?

14 MARTINEZ: NO

15 IJ: DO YOU UNDERSTAND IF YOU ARE REMOVED YOU WILL BE REMOVED FOR TEN
16 YEARS?

17 MARTINEZ: YES

18 IJ: YOU UNDERSTAND YOU ARE NOT GOING TO BE ELIGIBLE FOR ADJUSTMENT OF
19 STATUS BASED ON THAT?

20 MARTINEZ: YES

21 IJ: ANY QUESTIONS?

22 MARTINEZ: NO

23 IJ: IT IS ORDERED YOU ARE REMOVED FROM THE UNITED STATES TO MEXICO. DO
24 YOU UNDERSTAND THAT DECISION?

25 MARTINEZ: YES

26 IJ: DO YOU WANT TO FILE AN APPEAL IN THIS CASE, SIR, OR DO YOU WANT TO
27 ACCEPT THIS DECISION AS FINAL WAIVING APPEAL?

28 MARTINEZ: I WAIVE IT.

1 JJ: YOU WAIVE THE APPEAL?

2 MARTINEZ: YES. I WAIVE IT.

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EXHIBIT E

IN THE CIRCUIT COURT OF BENTON COUNTY, ARKANSAS

STATE OF ARKANSAS

V.

NO. CR- 2006-1825-2Luis Manuel Gomez-DominguezPLAINTIFF
BRENDA DE SHIELDS
CLERK AND RECORDER
BENTON COUNTY, AR.
DEFENDANT

2007 MAR 8 AM 8 45

FILED

JUDGMENT AND DISPOSITION ORDER

On the 26th day of February, 2007, the Defendant appeared before the Court, was advised of the nature of the charge(s), of constitutional and legal rights, of the effect of a guilty plea upon those rights, and of the right to make a statement before sentencing. The Court made the following findings:

DEFENDANT'S FULL NAME: Luis Manuel Gomez-DominguezDATE OF BIRTH: 1-10-88RACE: ☒ White ☐ Black ☐ Indian ☐ Asian ☐ UnknownSEX: ☒ Male ☐ FemaleARREST TRACKING NUMBER: 933406

STATE ID NUMBER: _____

DEFENDANT'S ATTORNEY: Dee ScritchfieldPROSECUTING ATTORNEY OR DEPUTY: Stephanie McEmore

CHANGE OF VENUE FROM: _____

Defendant was represented by: ☐ private counsel ☐ appointed counsel
☒ public defender ☐ himself/herself

Defendant made a voluntary, knowing and intelligent waiver of the right to counsel:

☐ Yes ☒ No

There being no legal cause shown by the Defendant, as requested, why judgment should not be pronounced, a judgment of conviction is hereby entered against the Defendant on each charge enumerated, fines levied, and court costs assessed. Defendant was advised of the conditions of the sentence and/or placement on probation and understands the consequences of violating those conditions. The Court retains jurisdiction during the period of probation/suspension and may change or set aside the conditions of probation/suspension for violations or failure to satisfy Department of Community Punishment rules and regulations.

TOTAL NUMBER OF OFFENSES: 1 (One)Page 1 of 2 Pages

CR 07004897

30 0016

DEFENDANT'S NAME Luis M. Gomez-Dominquez Docket No. CR 06-1825-2
 Offense No. 1 Arrest Tracking # 933406
 A.C.A. # of Offense: 5-14-110
 Name of Offense: Sexual Indecency with a Child
 Seriousness Level of Offense: _____
 Criminal History Score: _____
 Presumptive Sentence: _____
 Sentence is a departure from the sentencing grid: _____ Yes _____ No
 Offense is a ☒ felony _____ misdemeanor.
 Classification of offense: _____ A _____ B _____ C ☒ D _____ U _____ Y
 Period of confinement: _____ months 120 days
 Suspended imposition of sentence: _____ months
 Period of probation: 60 months
 Defendant is assigned to ☒ county jail _____ Department of Community
 Punishment and/or probation _____ confinement under special conditions.
 Special conditions of confinement are attached: _____ Yes _____ No
 Defendant _____ attempted _____ solicited _____ conspired to commit the offense.
 Offense date: 10-5-06
 Number of counts: 1
 Defendant was on _____ probation _____ parole at time of conviction.
 Commitment on this offense is a result of the revocation of Defendant's probation or
 suspended imposition of sentence. _____ Yes _____ No
 Victim of the offense was _____ under _____ over the age of 18 years.
 Defendant voluntarily, intelligently, and knowingly entered a
☒ negotiated plea of guilty or nolo contendere.
 _____ plea directly to the court of guilty or nolo contendere.
 Defendant
 _____ entered a plea as shown above and was sentenced by a jury.
 _____ was found guilty of said charge(s) by the court, and sentenced by _____ the court
 _____ a jury.
 _____ was found guilty at a jury trial, and sentenced by _____ the court _____ a jury.
 _____ Defendant committed a target offense and was sentenced under the Community
 Punishment Act. Upon successful completion of the conditions of probation/
 Suspended imposition of sentence Defendant shall be eligible to have his/her
 records sealed.

- Complete OAG sex offender TREATMENT program and
Comply with REGISTRATION REQUIREMENTS.
- No CONTACT with A.G.